IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 33082 of 2003(L)

PETITIONERS:
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1. **C.C.KUNJAMMA, HSA, A.S.M.M.HIGHER SECONDARY SCHOOL, ALATHUR, PALAKKAD.**

2. **P.T.BHAGYALAKSHMI, HSA, DO. DO. DO.**

3. **A.SHAHUL HAMEED, TEACHER EDUCATOR, GOVERNMENT TEACHER TRAINING INSTITUTE, CHITTOOR, PALAKKAD DISTRICT.**

BY ADV. SRI.MATHEW VALSALAN

RESPONDENTS:
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1. **STATE OF KERALA REP. BY THE SECRETARY, DEPARTMENT OF FINANCE, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

2. **THE ACCOUNTANT GENERAL, KERALA.**

3. **THE DEPUTY DIRECTOR OF EDUCATION, PALAKKAD.**

BY GOVERNMENT PLEADER SRI. MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33082/2003 L

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER NO. 40841/J2/94/G.EDN DT. 23/09/94 SENT BY THE R1 TO THE SECRETARY, PUBLIC SERVICE COMMISSION REVEALING THE RATIO.

EXT.P2. COPY OF THE G.O. MS NO. 134/86/G.EDN DT. 7/8/86.

EXT.P3. COPY OF THE GO MS NO. 57/91(89)/FIN DT. 18/1/91 BY THE FINANCE DEPARTMENT.

EX.T.P4. COPY OF THE OBJECTION RAISED BY THE R3.

[True copy]

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KURIAN JOSEPH, J.

W.P.(C) No.33082 of 2003

Dated 20th February, 2007.

J U D G M E N T

Petitioners are aggrieved since steps were taken to refix their salary and recover the alleged excess. The issue pertains to the counting of LPSA/UPSA service for the purpose of higher grade fixation. They were granted fixation as per Exts.P2 and P3, but the same was sought to be cancelled and steps were also taken for recovery of the excess as per Ext.P4. The issue is squarely covered in favour of the petitioners by the Bench decision of this Court in **Secretary to Government v. Mary** (2004(2) KLT 1090). Therefore, the impugned orders are quashed and the writ petition is allowed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.